

COUNTY COUNCIL

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Tim Bynum
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OFFICE OF THE COUNTY CLERK

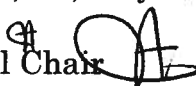
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4396 Rice Street, Suite 209
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MEMORANDUM

July 10, 2014

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair 
RE: **JULY 9, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its July 9, 2014 Council Meeting:

CONSENT CALENDAR:

C 2014-196 Communication (06/12/2014) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kauai:

1. Board of Ethics

- Maureen M. Tabura – Term ending 12/31/2014
- Mary E. Tudela – Term ending 12/31/2016

2. Cost Control Commission

- Jan Hashizume – Term ending 12/31/2016

(Received for the Record.)

C 2014-197 Communication (06/24/2014) from the Director of Finance, transmitting for Council information, the Period 10 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of April 30, 2014, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kauai for Fiscal Year 2013-2014. *(Copies of the Period 10 Financial Reports as of April 30, 2014 on file in the County Clerk's Office.)*
(Received for the Record.)

C 2014-198 Communication (06/27/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes, as follows:

1. The first proposed amendment relates to the valuation of timeshare units. Declining interval resale prices has created an inequity in assessments, given the vast majority of timeshare units are now assessed lower than their wholly-owned condominium unit counterparts; establishes new tax class called "Time Share". (*Time Share Tax Classification Proposal*);
2. The second proposed amendment establishes a new tax class called "Residential Investor" for improved residential properties that are over \$1,000,000 in value where there are no home exemptions present and recognizes that high-valued residential properties tend to be more speculative in nature, are not typically offered as affordable housing, and often serve as second homes or investment properties. (*Residential Investor Tax Classification Proposal*); and
3. The third proposed amendment is a "housekeeping" bill for vacant multi-family land that was mistakenly placed into the "Hotel & Resort" tax class during the initial conversion to a use-based tax classification structure. Under this proposal, vacant multi-family land will be re-classified as "Residential". (*Vacant Land Re-Classification*)

(Received for the Record.)

COMMUNICATIONS:

C 2014-199 Communication (07/02/2014) from the County Clerk, transmitting a 2014 Charter Amendment Petition relating to "A New Article XXXIII Protecting Right To Clean And Healthful Environment From Hazards Of GMO Agriculture, Establish Administrator Of Environmental Health, And Provide For Enforcement" submitted by Petitioners' Committee "Kaua'i Rising" pursuant to Section 24.01(B) of the Kaua'i County Charter. (***Council Absence, Tie Vote; Pursuant to Council Rule No. 5(e), item shall be made the Special Order of the Day at the July 23, 2014 Council Meeting.***)

C 2014-200 Communication (06/17/2014) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds from the FY 2013 Edward J. Byrne Memorial Justice Assistance Grant (JAG) for the Elder Abuse and Neglect Prosecution Unit, in the amount of \$89,653, to fund a 0.50 Full Time Equivalent (FTE) Special Prosecuting Attorney and a 0.50 FTE Legal Clerk/Law Office Assistant, fringe benefits, and equipment and educational pamphlets; and to indemnify the State of Hawai'i, Department of the Attorney General. (***Approved.***)

C 2014-201 Communication (07/02/2014) from Councilmember Bynum, requesting the presence of the Director of Planning to have a broad-ranging discussion on data collection and the problems with analyzing data within the County. ***(Received for the record, pending posting in one (1) or two (2) weeks.)***

C 2014-202 Communication (06/27/2014) from the County Attorney, requesting authorization to expend funds up to \$10,000 to retain Special Counsel to represent the County of Kaua'i in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 JKW (Fifth Circuit Court), and related matters. ***(Approved.)***

C 2014-203 Communication (06/27/2014) from the County Attorney, requesting authorization to expend funds up to \$10,000 to retain Special Counsel to represent Shaylene Iseri-Carvalho in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 JKW (Fifth Circuit Court), and related matters. ***(Approved.)***

C 2014-204 Communication (06/27/2014) from the County Attorney, requesting authorization to expend funds up to \$10,000 to retain Special Counsel to represent Jake Delaplane in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 JKW (Fifth Circuit Court), and related matters. ***(Approved.)***

CLAIMS:

C 2014-195 Communication (06/10/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Ronald J. Horoshko for Cloroshko LLC., dba, Birdie's Café and Pub, for loss of revenue and compensation for perishable foods, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2014-205 Communication (06/20/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Farmers Insurance Hawai'i, Inc., as subrogee of Marlene Morimoto, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2014-22 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE CODE OF ETHICS
(Received for the Record.)

Resolution No. 2014-38 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Maureen M. Tabura*) (**Approved.**)

Resolution No. 2014-39 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Mary E. Tudela*) (**Approved.**)

Resolution No. 2014-40 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Jan Hashizume*) (**Approved.**)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2548) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Time Share Tax Classification Proposal*) (**Approved on 1st reading, Public Hearing scheduled for 08/13/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2549) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Residential Investor Tax Classification Proposal*) (**Approved on 1st reading, Public Hearing scheduled for 08/13/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2550) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Vacant Land Re-Classification*) (**Approved on 1st reading, Public Hearing scheduled for 08/13/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)